

## REMARKS

### Summary of the Office Action:

1. Claim 1 stands rejected under 35 U.S.C. § 112 as failing to comply with the enablement requirement.
2. Claims 1-7, 10-19, 22, 25-28, and 30 stand rejected under 35 U.S.C. § 103 as being unpatentable over MICROSOFT Reference in view of BASTERFIELD and claim 21 stands rejected under 35 U.S.C. § 103 as being unpatentable over MICROSOFT and BASTERFIELD in view of KANO (US 2002/0036623).

### Summary of the Response:

1. Claims 1 and 22 have been amended.
2. Claims 1-7, 10-22, 25-28 and 30 are the only claims pending.

### ***Rejection under 35 U.S.C. § 112***

Claim 1 was rejected as failing to satisfy the enablement requirement of 35 U.S.C. §112. This rejection is now moot, as this amendment has deleted the portion of the claims that included the objectionable language.

### ***Rejection under 35 U.S.C. § 103***

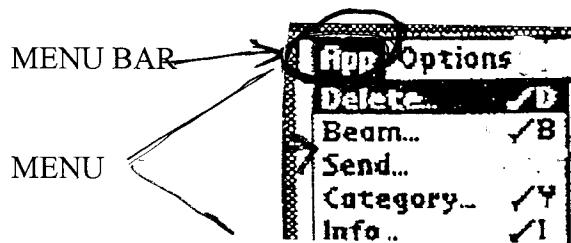
Claims 1-7, 10-19, 22, 25-28, and 30 were rejected as being anticipated by MICROSOFT Reference (The Windows Interface: An Application Design Guide) in view of BASTERFIELD (The IBM PalmTop PC110).

#### Independent Claim 1

Applicant submits that a “menu bar” as used by the MICROSOFT reference is different from “menu bar” in the claims presented. Applicant submits that the MICROSOFT reference uses “menu bar” to mean the entire menu, not the portion of the menu specifically identified by the application. In this respect, the MICROSOFT reference does not teach many of the limitations pertaining to “menu bar”, including causing the “menu bar” to become selectable. In contrast, Applicant has a different meaning for “menu bar”, as explicitly stated in the specification:

The menu bar is a portion of the menu that appears on the display, regardless of whether its menu is active or not, whenever a page or application carrying that menu is active on the handheld computer. The menu bar may provide an identifier of that menu. Often, the menu bar is static, and an activated menu appears to extend menu items from the menu bar. The menu bar generally does not occupy additional space on the display when its menu is made active. (Specification, pg 6, lines 12-18).

Applicant also submits the following visual aid to illustrate a “menu bar” in the context of a “menu”:



Independent Claims 1 and 22 have been amended to recite language to explicitly incorporate the meaning of “menu bar” from the specification. It is Applicant’s contention that when “menu bar” is understood in the manner provided, many of the points of comparison made by the Examiner are eliminated.

As recited in Claim 1, for example, navigation input can be used to make the menu bar selectable. Applicant’s specification and FIG. 1B describe a selectable menu bar. The specification states:

FIG. 1B illustrates handheld computer 100 in a state where the menu bar 132 is selectable... In an embodiment, when the menu bar 132 is made selectable, none of the other menu items 134 in the application menu 130 are indicated as being selectable. Rather, only menu bar 132 is highlighted. This state corresponds to menu bar 132 being selectable. If selection input is entered when the menu bar 132 is selectable, the application menu 130 is cancelled. (Specification, page 9, line 23 - page 10, line 6).

Not only is there no teaching of an active “menu bar” in the MICROSOFT reference, but there is also no teaching or suggestion in the cited art of *a selectable menu bar*. The MICROSOFT reference simply teaches the use of hard keys to manipulate the

keys navigate through different menus. The down arrow key either opens a menu if no menu is open or selects an item below the current item. When the menu item is at the bottom of the menu and the down arrow is pressed again the top item of the menu is selected. The up arrow key selects a menu item above the current selected menu item and if the selected item is at the top of the menu, the bottom item of the menu is selected. (MICROSOFT, page 87). MICROSOFT does not teach a selectable menu bar as claimed in Applicant's claim 1.

Additionally, the independent claims recite the use of "navigation input" to make the menu bar selectable. For example, Claim 1 recites the processor as processing "*navigation input to navigate to the menu bar of the active first menu, including navigation input to cause the menu bar of the active first menu to be selectable.*" None of the references cited against this application, whether considered individually or combined, teach this limitation.

In addition, Claim 1 recites "*process selection input for when the menu bar is selectable; and cancel activation of the first menu from the display in response to (i) the menu bar of the first menu being selectable and (ii) the selection input for the menu bar being processed.*" This limitation is wholly absent from the cited references. For example, MICROSOFT teaches using the ALT key to toggle activation of a menu bar if inactive, or if the menu is active, pressing the ALT key deactivates it and closes the open menu. (MICROSOFT, Page 87). In contrast to Applicant's Claim 1 which teaches process selection input for when the menu bar is selectable, the ALT key cancels the menu any time the ALT key is pressed. In the teaching of the MICROSOFT reference, there is no "selectable state" of the "menu bar", nor is there any "*selection input for when the menu bar is selectable*" in order to cancel the menu.

Because MICROSOFT fails to teach the above recited limitations Applicant submits that even if MICROSOFT was combined with BASTERFIELD in the manner suggested by the office action, the combination would still lack one or more limitations of claim 1. Because Claims 2-7 and 10-21 depend from and further limit claim 1, they are not rendered obvious by the combination of references as suggested in the office action.

#### Independent Claim 22

With respect to Claim 22, Applicant reiterates the arguments made above and further submits that MICROSOFT does not disclose or suggest the following limitation of Claim 22:

- (i) navigation input to cause the menu bar to be in a selectable state, and (ii) selection input for selecting the menu bar from the selectable state.

Because the MICROSOFT BASTERFIELD combination fails to teach the above recited limitations, claim 22 is not rendered obvious nor are claims 25-28 and 30 which depend from and further limit claim 22.

## CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-7, 10-22, 25-28, and 30 are in condition for allowance. Accordingly, a Notice of Allowance is requested. The Examiner is invited to call the undersigned if there are any issues that remain to be resolved prior to allowance of the claims.

## AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Please charge deposit account 50-1914 for any underpayments in connection with this Office Action response.

Respectfully submitted,  
Shemwell Mahamedи LLP

Date: August 24, 2006

/Zurvan Mahamedи/

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